

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Gregory E. Sancoff et al.
Serial No.: 09/706,472
Filing Date: 11/03/2000
Title: APPARATUS AND METHOD FOR PLACING SUTURE
WIRES INTO TISSUE FOR THE APPROXIMATION
AND TENSIONING OF TISSUE
Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: ONUX-8

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being
filed under the provisions of 37 CFR 1.10.

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DATE OF DEPOSIT January 20, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
EXPRESS MAIL POST OFFICE TO ADDRESSEE SERVICE UNDER
37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED
TO THE COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA,
VA 22313-1450.

James A. Sheridan

(PERSON MAILING)

James A. Sheridan 01/20/2004
(SIGNATURE)

Respectfully submitted,

James A. Sheridan 01/20/2004
James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154
Tel. (781) 290-0060

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Gregory E. Sancoff et al.
 For: APPARATUS AND METHOD FOR PLACING SUTURE WIRES INTO TISSUE FOR THE APPROXIMATION AND TENSIONING OF TISSUE

Enclosed are:

9 sheets of drawings.
 An assignment of the invention to: _____
 A verified statement to establish small entity status.
 REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

| For: | No. Filed | No. Extra | Small Entity | | Large Entity | |
|--------------|-----------|-----------|--------------|----------|--------------|----------|
| | | | Rate | Fee | Rate | Fee |
| Basic Fee | | | | \$385.00 | | \$770.00 |
| Total Claims | 6 - 20 | 0 | x \$ 9.00 | | x \$18.00 | 0.00 |
| Ind. Claims | 2 - 3 | 0 | x \$43.00 | | x \$86.00 | 86.00 |
| Mult. Claims | | | + \$145.00 | | + \$290.00 | |
| | | | Total | \$385.00 | | |

Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

A check in the amount of \$ _____ to cover the filing fee (and assignment recording fee) is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

- Any additional filing fees required under 37 CFR 1.16.
- Any patent application processing fees under 37 CFR 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

- Any patent application processing fees under 37 CFR 1.17.
- The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

James A. Sheridan 01/20/04

James A. Sheridan
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 470 Totten Pond Road
 Waltham, Massachusetts 02154
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Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/706,472, filed 11/03/2000 by Gregory E. Sancoff et al. for APPARATUS AND METHOD FOR PLACING SUTURE WIRES INTO TISSUE FOR THE APPROXIMATION AND TENSIONING OF TISSUE.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 09/706,472 (including specification, claims, drawings, and an unsigned Declaration and Power of Attorney) as originally filed;
2. A copy of RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, including a signed Declaration and Power of Attorney and a Duplicate Copy of Notice to File Missing Parts;

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3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 09/706,472 is a complete and true copy;

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/706,472, filed 11/03/2000 by Gregory E. Sancoff et al. for APPARATUS AND METHOD FOR PLACING SUTURE WIRES INTO TISSUE FOR THE APPROXIMATION AND TENSIONING OF TISSUE (Attorney's Docket No. ONUX-8), which in turn claims benefit of prior U.S. Provisional Patent Application Serial No. 60/163,808, filed 11/05/99 by Gregory E. Sancoff et al. for DEVICE FOR PLACING SUTURE WIRES INTO TISSUE FOR APPROXIMATION AND TENSION (Attorney's Docket No. ONUX-8 PROV);

5. A SUBMISSION OF FORMAL DRAWINGS; and

6. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on January 20, 2004 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior applications Serial No. 09/706,472.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

James A. Sheridan 01/20/04

James A. Sheridan
Registration No. 43,114
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Waltham, MA 02451-1914
Tel (781) 290-0060
Fax (781) 290-4840

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts
County of Middlesex

I, James A. Sheridan, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 09/706,472, filed 11/03/2000, and that the enclosed application is a true and complete copy of the prior application Serial No. 09/706,472 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 09/706,472 introduced new matter therein.

James A. Sheridan 01/20/04
James A. Sheridan
Registration No. 43,114

Sworn to before me this 20th day of January, 2004.

Utege Gohde
Notary Public
My commission expires: 4/17/09

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the
above-identified patent application, consisting of Figs. 1-17
on eleven (11) sheets of drawings.

In the event that any fee is required to be paid in
connection with the present submission of formal drawings,
please charge the cost of the same to Deposit Account No.
16-0221. A duplicate copy of this letter is enclosed for the
convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

James A. Sheridan 1/20/04
James A. Sheridan
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